



# Department of Justice

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**FORMER FIRSTENERGY NUCLEAR OPERATING COMPANY EMPLOYEE  
CONVICTED**

**FOR CONCEALING INFORMATION FROM THE NUCLEAR REGULATORY  
COMMISSION**

WASHINGTON—David Geisen, a former manager at FirstEnergy Nuclear Operating Company (FENOC), was convicted today by a federal jury in Toledo, Ohio for concealing information from and making false statements to the Nuclear Regulatory Commission (NRC), the Justice Department announced.

The facts proved at trial showed that, during the fall of 2001, Geisen falsely represented to the NRC that past inspections of the reactor vessel head at the Davis-Besse nuclear power plant were adequate to assure safe operation until February or March of 2002. His statements were in response to a bulletin issued by the NRC in August of 2001 warning of a cracking problem at similar plants.

“The safe operation of nuclear power plants depends on the integrity of engineers in positions like the one that David Geisen held,” said Acting Assistant Attorney General Ronald J. Tenpas for the Justice Department’s Environment and Natural Resources Division. “The effectiveness of the NRC’s regulation and oversight depends on honest and forthright information. This conviction shows that when those in authority choose to conceal or falsify, there will be consequences.”

Geisen was the Manager of Design Basis Engineering at the Davis-Besse plant, which is owned and operated by the FirstEnergy Nuclear Operating Company. The plant, located on the southwestern shore of Lake Erie, near Oak Harbor, Ohio, was vulnerable to cracking where control rod guide nozzles were welded to the lid of the reactor vessel. The reactor vessel is the container where the nuclear reaction occurs. This nozzle cracking, which had first manifested at similar U.S. plants in late 2000, could lead to breaks where the nozzles penetrated the lid of the steel-walled vessel. Such a break could release pressurized reactor coolant water into the containment building and result in a potentially serious accident that would stress the plant’s safety systems.

In August 2001, the NRC issued Bulletin 2001-01, requiring FENOC and other utilities to report on their plant's susceptibility to cracking, the steps they had taken to detect it, and their plans for addressing the problem in the future. Because FENOC chose not to inspect the nozzles prior to Dec. 31, 2001, it was also required to justify operation beyond that date.

In the months following the issuance of Bulletin 2001-01, FENOC submitted five letters to the NRC, all reviewed and approved by Geisen, arguing that its past inspections were adequate to assure safe operation until February or March 2002. Davis-Besse had already scheduled a refueling outage for the spring of 2002. In order to persuade the NRC that the plant was safe to operate until the prescheduled shutdown, these letters included false information. The government proved that Geisen knew that this information was false and that he presented information orally to the NRC that emphasized false conclusions, including the conclusion that every nozzle at Davis-Besse had been "verified" to be free from signs of cracking.

Ultimately, the NRC agreed that Davis-Besse could continue to operate until mid-February 2002. During that refueling outage, workers discovered a pineapple-sized cavity in the head of the reactor vessel. Subsequent analysis showed that this hole was the result of corrosive reactor coolant leaking through a nozzle crack.

Geisen was convicted of concealing the condition of Davis-Besse's reactor vessel head and of concealing how poor past inspections of that head had been. Video evidence shown at trial showed that the inspection camera was physically blocked by boric acid deposits. Boric acid deposits were a sign of nozzle cracking. Geisen was also convicted of using false writings in FENOC's interactions with the NRC. Those writings included false statements about the extent of inspections done in 1996, 1998, and 2000. Specifically, those writings included statements that Davis-Besse engineers were able to inspect areas of the reactor vessel head that could not, in fact, be inspected; and that Davis-Besse engineers had completed boric acid corrosion control procedures that had not been completed. Finally, Geisen was convicted of providing the NRC with photographs bearing captions that falsely indicated generally good conditions for visual inspections.

Geisen's co-defendant, Rodney Cook was acquitted of similar charges today. Another co-defendant, Andrew Siemaszko, will be tried separately at later date.

The investigation and prosecution were conducted jointly by the Justice Department's Environmental Crimes Section and by the U.S. Attorney's Office for the Northern District of Ohio, as well as the NRC Office of Investigations. Special agents of the NRC's Office of Investigations and a Senior Reactor Inspector from NRC's Region III developed the case and referred it to the Department of Justice.

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